Before the court is the defendants' motion for attorneys' fees and costs (#45), filed on January 21, 2014. On January 24, 2014, the plaintiffs filed a notice of appeal (#46) as to this court's order (#42) denying the plaintiffs' motion for partial summary judgment and order (#43) granting the defendants' motion for summary judgment as to the plaintiffs' first and third claims and dismissing those claims with prejudice, and declining to exercise supplemental jurisdiction over the plaintiffs' second and fourth claims and dismissing those claims without prejudice. The court defers judgment on the defendants' motion for attorneys' fees and costs pending the resolution of the appeal.

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Accordingly, the defendants' motion for attorneys' fees and costs (#45) is **DENIED WITHOUT PREJUDICE**. Defendants shall have 20 days after final disposition of the plaintiffs' appeal to renew their motion for attorneys' fees and costs before this court.

Howard DMEKiller

UNITED STATES DISTRICT JUDGE

IT IS SO ORDERED.

DATED: This 27th day of January, 2014.